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MEMBER NY & NJ BAR

June 30, 2014

VIA ECF

The Honorable John Gleeson
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Jones v East Brooklyn Security Services Corp.
11-CV-6333(JG)(SMG)

Dear Judge Gleeson:

I represent Defendants in the above captioned action. I am writing to object to the Letter Motion of Plaintiff, made on the eve of jury selection, seeking to adjourn the trial of this action.

The case is extraordinarily simple. Plaintiff seeks damages under the Americans with Disabilities Act for failure to accommodate his disability. It is clear from Plaintiff's own deposition, that it was Plaintiff himself, the day to day manager of the company, who was responsible for providing accommodations to employees. Plaintiff likewise seeks damages for retaliatory termination where Plaintiff was fired for stealing a computer belonging to the NYC Department of Homeless Services. Plaintiff does not deny that he took the computer. In short, the matter is bordering on, if not actually frivolous.

This matter has been pending since 2011. The matter is set for jury selection on June 14, 2014. At the scheduling conference, it was Plaintiff's counsel who pushed for a short trial date. The undersigned is a sole practitioner and was obliged to clear two weeks from his schedule to accommodate Plaintiff. This entailed adjourning multiple pressing matters. Defendants have likewise arranged to have their witnesses available during this period. It would be extremely prejudicial to Defendant, and a greatly undue burden on counsel to have to reschedule this matter at this late hour. Unlike Plaintiff's counsel, who have multiple attorneys at their disposal, the

undersigned, as a sole practitioner has far less flexibility in scheduling matters.

Neil Frank, who, upon information and belief is the senior partner at Plaintiff's counsel's law firm, is the attorney of record in this matter. Indeed, Mr. Frank was the attorney appearing on this matter at the April 19, 2013 status conference. He is apparently still with the firm. Furthermore, Mr. Romero, who made this motion, has been counsel of record on this matter since March 28, 2012. It is inequitable to impose the substantial burden of this late adjournment on Defendants for Mr. Frank and Mr. Romero's alleged failure to keep themselves abreast of discovery, in an action in which they are both counsel of record and have been for years.

In light of the foregoing, the undersigned respectfully requests that the trial of the above captioned action proceed as previously ordered and agreed to, with another one of Plaintiff's three (3) attorneys of record.

Thank you for your time and attention to this matter.

Respectfully submitted,
THE LAW OFFICE OF DOV MEDINETS

/s/
Dov Medinets

Cc: All counsel of record (VIA ECF)